UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 95-5196

UNITED STATES OF AMERICA,

v.

RICHARD O. BERTOLI,

SUR PETITION FOR REHEARING

Present: SLOVITER, *Chief Judge*, *BECKER*,
STAPLETON, MANSMANN, GREENBERG,
SCIRICA, COWEN, NYGAARD, ROTH,
LEWIS, McKEE, *and* SAROKIN, *Circuit Judges*

The petition for rehearing filed by Appellant Richard O. Bertoli in the above-captioned case having been submitted to the judges who participated in the decision of this court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court in banc, the petition for rehearing is denied.

By the Court,

/s/

Chief Judge

Dated: Jan 10 1996